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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,283

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Yoshio Yuasa

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03/01/2006

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,283	YUASA ET AL.	
	Examiner	Art Unit	
	Antonio A. Caschera	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 12/20/05.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsawa et al. (U.S. Patent 6,633,302 B1) in view of Senn et al. (U.S. Patent 6,338,030 B1).

In reference to claim 1, Ohsawa et al. discloses a color reproduction system for displaying desired colors in a color image display unit, obtaining an input color image signal (see column 1, lines 18-23). Ohsawa et al. discloses a method, operating on the system, that prepares image data to be reproduced through color correction by first measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104

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of Figure 4). Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed. Also note, the office interprets the X, Y and Z measured values equivalent to the second image data of applicant's claim as the X, Y and Z data are measured by the colorimeter from the displayed image (see Figure 4). Ohsawa et al. also discloses determining from which area, of a color reproduction area, the measured X, Y and Z data are located and then calculating coefficient values according to the located area (see column 6, lines 14-20, 47-58 and #101C of Figure 3). Note, the office interprets the calculated coefficients of Ohsawa et al. equivalent to the data on a position or an area of applicant's claim as the calculated coefficients of Ohsawa et al. are derived from the location of the X, Y and Z colorimeter measured values in the color reproduction area. Although Ohsawa et al. inherently discloses sending the sample signal patch to multiple projectors for display (see column 6, lines 3-4 and #101, 102-1, 103 and 103A of Figure 4), Ohsawa et al. does not explicitly disclose transmitting or sending second image data or data regarding the position of the second image data as claimed by the applicant. Senn et al. discloses a device for measuring photometric parameters using a colorimeter and converting these signals into electrical signals to transmit them in a network environment (see column 1, lines 9-12, column 2, lines 20-22, 37-44 and Figure 1). Senn et al. specifically discloses measuring the spectral emission or transmission values of a desired object and converting these values to color data (see columns 2-3, lines 65-6). Senn et al. also discloses storing measured values in files and allowing for the exchange of these

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files through a network connection or the Internet (see column 3, lines 22-25, 49-52, 57-62 and column 4, lines 9-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the image measurement data transmitting techniques of Senn et al. with the color image correction measurement techniques of Ohsawa et al. in order to improve a color image measuring device, allowing external processors access to device data through data exchanges via a network without a manufacturer-specific data exchange protocol (see column 2, lines 4-10 and 13-18 of Senn et al.).

In reference to claim 2, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 1 above. Ohsawa et al. discloses a method, operating on the system, that prepares image data to be reproduced through color correction by first measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4).

In reference to claim 3, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 2 above. Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed.

In reference to claims 4 and 6, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claims 3 and 5 respectively. Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al.

equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed. The sample signal patches are inherently further prepared by the projection devices and transmitted to the screen for display, as interpreted by the office.

In reference to claim 5, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 2 above. Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed. The sample signal patches are inherently further prepared or formed by the projection devices, as interpreted by the office.

In reference to claims 7 and 8, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 1 above. Ohsawa et al. discloses a method, operating on the system, that prepares image data to be reproduced through color correction by first measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4). Also note, the office interprets the X, Y and Z measured values equivalent to the second image data of applicant's claim as the X, Y and Z data are measured by the colorimeter from the displayed image (see Figure 4). The office interprets the sample patches to comprise of colors set beforehand as their names are, "sample signal patches" and they represent primary colors which are interpreted as set "beforehand" colors and are defined by a standard of values.

In reference to claim 10, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 8 above. Senn et al. specifically discloses measuring the spectral emission or transmission values of a desired object using a colorimeter and converting these values to color data (see column 2, lines 14-15, columns 2-3, lines 65-6 and "T" of Figure 3).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsawa et al. (U.S. Patent 6,633,302 B1), Senn et al. (U.S. Patent 6,338,030 B1) and further in view of Sato et al. (U.S. Patent 6,125,199).

In reference to claim 9, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 8 above. Although Ohsawa et al. discloses measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4), neither Ohsawa et al. nor Senn et al. explicitly disclose the sample being a color chart however, Sato et al. does. Sato et al. discloses a color correcting method, apparatus and system that utilizes a colorimeter to measure color samples of color charts (see column 1, lines 7-10 and column 10, lines 28-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the measuring of color charts of Sato et al. with the image measurement data transmitting techniques of Senn et al. and the color image correction measurement techniques of Ohsawa et al. in order to obtain a color measurement based on set known color values produced in the color chart, for example, pure white (255, 255, 255) (R,G,B), achieving the most precise color calibration/correction. Further note, the limitation of specifically using a color chart is seen as to provide no immediate criticality to the application at hand as the scope of the invention describes transmitting image color data.

Response to Arguments

5. Applicant's arguments filed 12/12/05, in regards to the rejection of claims 1-10, have been fully considered but they are not persuasive.

Applicant argues that it would, "...not make any sense to modify Ohsawa to transmit the various data pieces because Ohsawa is only concerned with converting a three-color image into a four-color image," (see page 3 of Applicant's Remarks of AF amendment dated 12/12/05). The Office disagrees with such a statement. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Ohsawa discloses a color reproduction system for displaying desired colors in a color image display unit, operating on a system, that prepares image data to be reproduced through color correction while Senn teaches measuring the spectral emission or transmission values of a desired object, converting these values to color data as files and allowing for the exchange of these files through a network connection or the Internet. It would have been obvious to combine the techniques of Ohsawa and Senn since the techniques of Senn would allow for the remote correction of image characteristics and specifically color correction/conversion techniques of Ohsawa. Such a combination would improve upon Ohsawa in that color reproducible systems could now be implemented without having a certain device or

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possibly even a user operator present, at the reproducible device location. Therefore, the Office maintains its current rejection based upon Ohsawa, Senn and Sato.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached at (571) 272-7691.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

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RICHARD HJERPE
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